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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,271	09/13/2000	Perry S. Ward	10304-003-999	8302

20583 7590 09/10/2003  
PENNIE AND EDMONDS  
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NEW YORK, NY 100362711

EXAMINER

SMITH, JEFFREY A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/661,271

Applicant(s)

WARD ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-9, 11-81, and 83-108 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmid (US 2002/0029188 A1).

Schmid discloses a method (see Figs. beginning at 3A), computer system (see Fig. 2), and software program (par. [0051]) for facilitating a loan origination (par. [0007]). Schmid discloses underwriting information development (par. [0026]), access by the prospective lenders to such information; opportunity for the lenders to submit at least one bid (pars. [0033] and [0040]); and providing opportunity for consideration of such bid (par. [0046]).

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Schmid discloses a plurality of underwriting levels. Specifically, Schmid discloses the availability of Summary Project Data Files (SPDF) (par. [0031]), Complete Project Data Files (CPDF) (par. [0036]), and third-party due diligence reports (par. [0028]).

Schmid teaches that the method has strictly scheduled timelines and deadlines (beginning at par. [0038]).

Regarding system claims 39-73, the manner in which the system is intended to function, absent any recitation of structure, does not provide the patentable moment necessary in distinguishing the instant system from the system already disclosed by Schmid. MPEP 2114.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid (US 2002/0029188 A1).

Schmid does not specifically disclose representations and warranties that specific procedures were followed in developing the underwriting information. However, it is noted that the Schmid method offers third-party due diligence documentation (par. [0028]). Since such documentation is provided by a third-party and since the lender weighs such documentation in its risk assessment, it is clear that the credibility of the third-party provider would have been of extreme interest to the lender.

It would have been obvious to one of ordinary skill in the art to have provided the method of Schmid to have included an explicit representation and warranty that specific procedures are followed in developing underwriting information (such as that provided by the third-party provider of Schmid) in order to have reduced risk by ensuring the credibility of all parties with whom the lender conducts business.

Claims 10 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid (US 2002/0029188 A1).

Schmid does not disclose a designation of at least one lender whom the applicant does not want to be informed of applicant's request for a loan. However, Schmid does disclose

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functionality which permits a lender to indicate a willingness to see projects of a desired type. Such functionality serves as an "internal screening" of the lending source database to create a list of prospective lending sources who may have initial interest in reviewing applicant's request for a loan (see par. [0023]).

It would have been obvious to one of ordinary skill in the art to have provided the method, system, and software of Schmid to have included similar functionality for the screening of prospective lenders by applicant in order to have allowed the applicant to have similarly performed an "internal screening" of the Schmid lending source database to create a list of prospective lending sources which the applicant has a willingness to transact business with.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,233,566 B1 discloses a system, method and computer program product for online financial products trading.

US 2002/0023049 A1 discloses a method of procuring financial products (see Abstract).

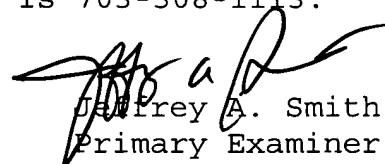
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U.S. Patent No. 6,385,594 B1 discloses a method and computer network for co-ordinating a loan over the Internet (see Abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Jeffrey A. Smith  
Primary Examiner  
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